

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**JAMIE MARROQUIN, Individually and
as Next Friend of Minor children, J.M.M.
and J.M.,
Plaintiffs,**

V.

**NORTHSIDE INDEPENDENT
SCHOOL DISTRICT, ET AL,
Defendants.**

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5:21-CV-01041

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

Defendants, Northside Independent School District, et al, file this notice of removal under 28 U.S.C. §1446(a).

A. Introduction

1. This action was commenced on October 6, 2021, in the 285th Judicial District Court of Bexar County, Texas, as Cause No. 2021-CI-21250. In her Original Petition, Plaintiff asserted claims under the Texas Open Meetings Act, the Texas Uniform Declaratory Judgment Act, and the U.S. Constitution on the basis of allegations that NISD has a mask mandate which violates Executive Order GA-38 issued by Governor Abbott and the alleged mask mandate and criminal trespass warning issued to Plaintiff violate Plaintiff and her children's rights under the Texas Open Meetings Act, as well as their federal constitutional rights to free speech and due process and federal statutory rights to a free and appropriate public education (FAPE). Plaintiff included a request for monetary relief of \$250,000, as well as declaratory and injunctive relief. Plaintiff filed her Amended Original Petition for Application for Temporary Restraining Order and Temporary

and Permanent Injunctions and Declaratory Judgment on October 13, 2021. In her Amended Petition, Plaintiff again asserts claims under the Texas Open Meetings Act, the Texas Uniform Declaratory Judgment Act, the Texas Constitution, and the U.S. Constitution.

2. Defendants have not been served with the lawsuit, but made their first appearance on October 26, 2021 by filing their Notice to State Court District Clerk of Filing of Notice of Removal. As of this date, the case was styled Jamie Marroquin v. Northside Independent School District, et al.

B. Basis for Removal

3. This action is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1343. It is removable to this Court by Defendants pursuant to 28 U.S.C. §1441 because it is a civil action over which the federal district courts have original subject matter jurisdiction, as it arises under the U.S. Constitution and the laws of the United States. Plaintiff's lawsuit alleges violations of free speech and due process under the U.S. Constitution and federal statutes protecting a student's right to a free and appropriate public education.

4. This court has supplemental jurisdiction over all other claims, including all claims arising under the Texas Constitution and Texas law, pursuant to 28 U.S.C. § 1367, because all claims asserted are so related that they form part of the same case or controversy under Article III of the United States Constitution.

5. A copy of all process, pleadings and orders served on Defendants in this action and the State court docket sheet is attached to this Notice.

6. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district.

7. Defendants will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

WHEREFORE, PREMISES CONSIDERED, Defendants, Northside Independent School District and Dr. Brian Woods pray that this cause be removed to the United States District Court for the Western District of Texas, San Antonio Division, and that the said Court grant said Defendants all relief, special or general, at law or in equity, to which they show themselves justly entitled.

Respectfully submitted,

**WALSH GALLEGOS TREVIÑO
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of October 2021, a true and correct copy of the above and foregoing was electronically filed with the Clerk of the Court using CM/ECF system. The undersigned certifies that on the 26th day of October 2021, notification of such filing has been sent to the following by certified mail return receipt requested:

ATTORNEY FOR PLAINTIFF

Francisco R. Canseco
19 Jackson Court

***Via CMRRR # 7020 1810 0000 3478 7532 and
Email***

San Antonio, Texas 78230
Email: frcanseco@gmail.com

/s/ D. CRAIG WOOD
D. CRAIG WOOD